

1 **JOINT RESOLUTION ON HOSPITAL CLAIMS**

2 **MANAGEMENT**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Bradley G. Last**

6 Senate Sponsor: Stephen H. Urquhart

7

LONG TITLE

8 **General Description:**

9
10 This joint resolution amends a rule of evidence relating to expressions of apology in
11 medical malpractice actions.

12 **Highlighted Provisions:**

13 This resolution:
14 ▶ amends Rule 409 of the Utah Rules of Evidence; and
15 ▶ makes expressions of apology, fault, sympathy, condolences, and the like
16 inadmissible against the health care provider.

17 **Special Clauses:**

18 This resolution provides an immediate effective date.

19 **Utah Rules of Evidence Affected:**

20 AMENDS:

21 **Rule 409**, Utah Rules of Evidence

22

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each
23 of the two houses voting in favor thereof:*

24
25 As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend
26 rules of procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of
27 all members of both houses of the Legislature:



28 Section 1. **Rule 409**, Utah Rules of Evidence is amended to read:

29 **Rule 409. Payment of medical and similar expenses; expressions of apology.**

30 (a) Evidence of furnishing or offering or promising to pay medical, hospital, or similar
31 expenses occasioned by an injury is not admissible to prove liability for the injury.

32 (b) Subject to the provisions of Section 26-1-30.5, statements, expressions, or conduct
33 that express apology, fault, sympathy, commiseration, condolence, compassion, or general
34 sense of benevolence are not admissible against a health care provider or an employee of a
35 health care provider to prove liability for an injury.

36 Section 2. **Effective date.**

37 This resolution takes effect upon approval by a constitutional two-thirds vote of all
38 members elected to each house.

Legislative Review Note
as of 2-23-10 11:09 AM

Office of Legislative Research and General Counsel

H.J.R. 34 - Joint Resolution on Hospital Claims Management

**Revised
Fiscal Note**

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
